

**MISSOURI RIVER
PLENARY GROUP MEETING
NATIONAL PARK SERVICE CONFERENCE ROOM
OMAHA, NE
JULY 25-28, 2005**

Use and Meaning of the ‘Meeting Notes’. Plenary and Technical Working Group meeting notes are intended to be a general summary of key issues raised and discussed by participants at meetings. The presentation of issues or items discussed is not designed to be totally comprehensive, or reflect the breadth or depth of discussions. It is intended to record the gist of conversations and conclusions. Where a consensus or other agreement was reached, it will be so noted. Where ideas or comments are from only one or several participants, or where a brainstormed list is presented the content of which was not agreed to by all group members, the recorders will to the best of their abilities note these qualifiers. When participants raise comments about the meeting notes, or make other suggestions or comments following meetings which are more than “corrections,” we will add these in a section at the end of the meeting notes captioned “Post Script.”

This Meeting Summary is the independent work product of the mediation team from CDR Associates, an independent conflict management firm working under contract to the U.S. Institute for Environmental Conflict Resolution, which is serving in a neutral capacity to assist in the resolution of issues in an alternative dispute resolution process. Ideas developed or proposals discussed during deliberations by either the Plenary Group or Technical Working Group, or agreements on recommendations reached in either forum and recorded in Meeting Summaries are considered to be tentative and subject to review and/or approval by the leadership of participating federal, tribal and state agencies.

Attendees: See attachment A.

Facilitators: Chris Moore, Joe McMahon and Leigh Price of the CDR Team.

Listing of Key Topics from July 25 through July 28

Facilitators’ comments and suggestions. Discussion of the challenges that arise in the later stages of negotiation, the product desired from this process and how it will be used.

Preliminary Reports. Framing reports were made by Agencies concerning the ESA, consultation and the BiOp.

Technical Working Group updates and proposals for Spring Rise were received from the:

- ◆ Pallid Sturgeon Working Group
- ◆ Hydrology Working Group
- ◆ Historical Cultural and Burial Site Group (HCB) including an update on applicable laws
- ◆ Socioeconomic Working Group.

Other than the HCB, each group presented an option or group of options for a Spring Rise and Plenary members were asked to review the options individually and then as members of their interest groups. HCB comments were included in the upper basin proposal listed below. The options were listed and discussed. See below.

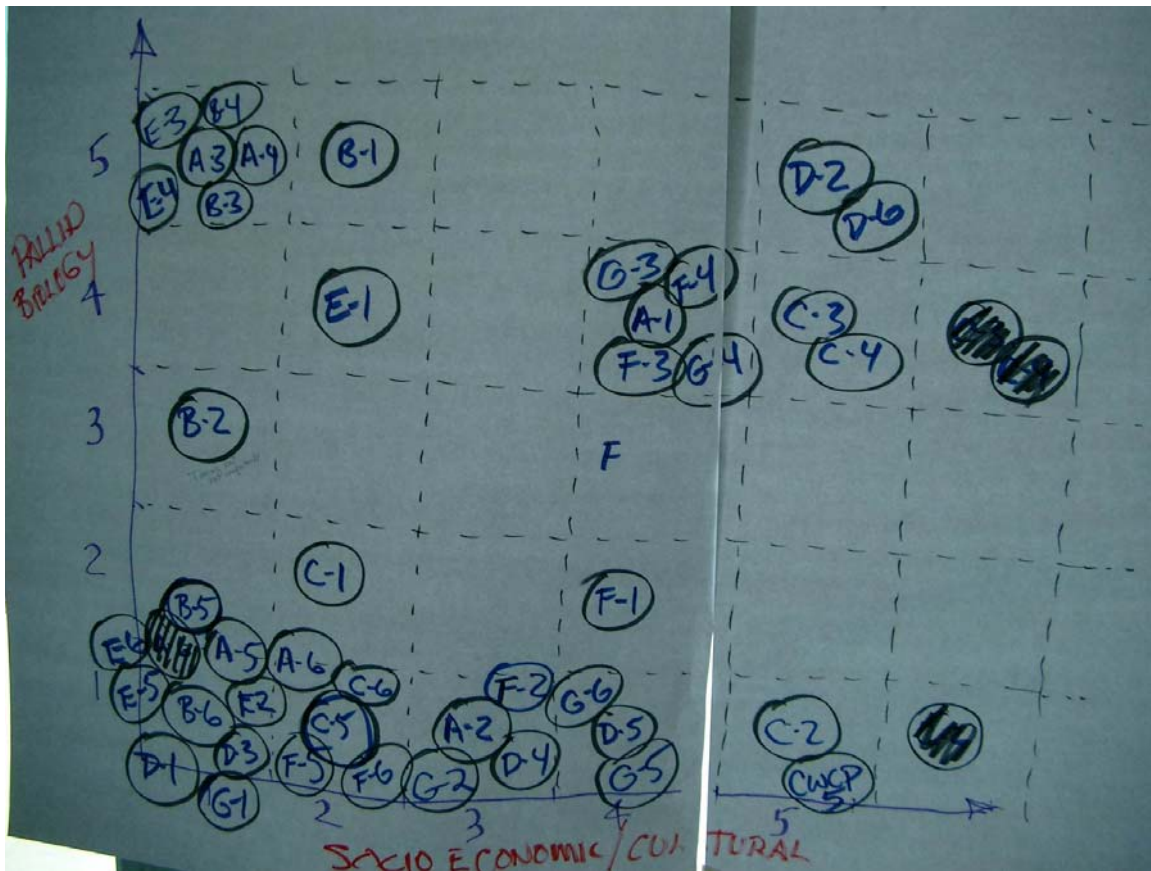
Specially created working groups produced:

- ◆ Recommendations regarding socioeconomic monitoring and assessments.
- ◆ An upper basin proposal for methods of rating and developing guide curves to protect reservoir levels based on system storage and runoff.
- ◆ “Out of box” options for assisting pallid recovery.

Option evaluation. Each of the various options developed by the Groups was evaluated in interest groups and placed on a framework to see which appeared to have the most “value” from either the Pallid perspective or the combined socio-economic and tribal perspective. See diagrams below.



The various options were charted on a set of two axes – see below.



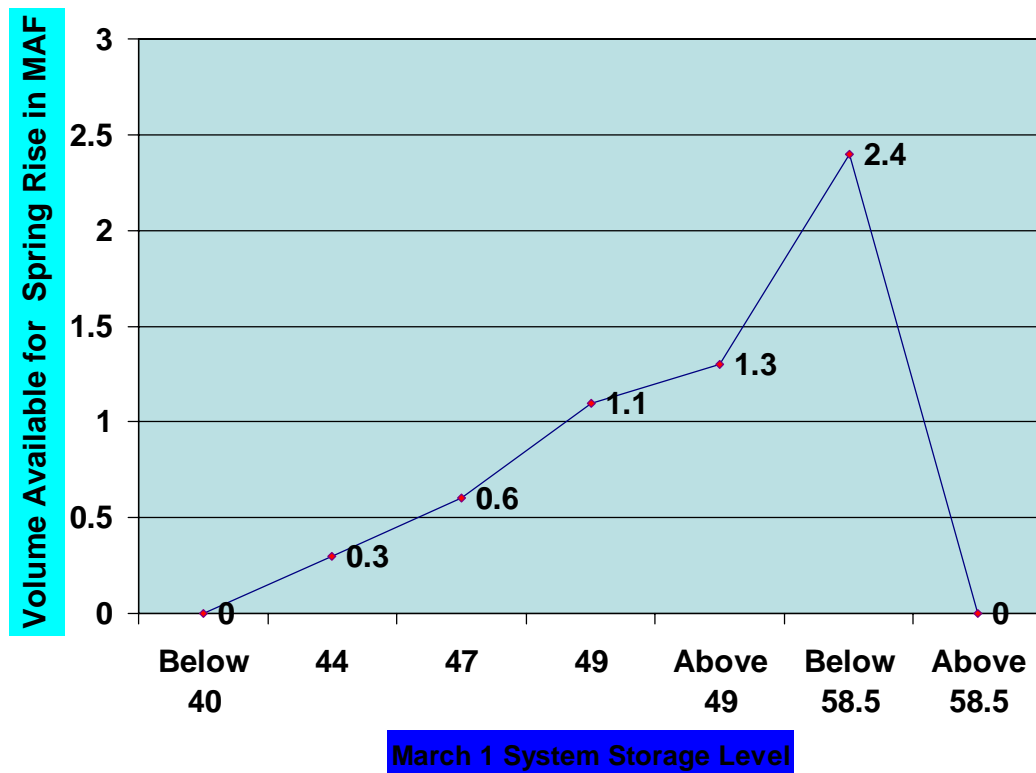
Development of other considerations. As the meeting progressed, other methods of proposing limits on Spring Rise flow developed, with substantial discussion of the Upper Basin concepts and the lower Missouri flood limits.

See Upper Basin concepts (numbers will have been updated):

Pro-Rated Rise Proposal for Discussion

ProRation	System Storage in MAF Measured on March 1	May 1 Runoff Forecasts	Rise Level Adjustm	Spring Rise
Upper Preclude	58.5MAF			None
High Volume	Above 49 MAF	Median		1.6 MAF
Spring Rise		Above Upper Quartile	150% of 1.6 MAF	Increasing to 2.4 MAF
		Below Lower Quartile	50% of 1.6 MAF	Decreasing to .8 MAF
Upper Middle Rise	47-49 MAF	Median		1.1 MAF
		Above Upper Quartile	150% of 1.1 MAF	Increasing to 1.65 MAF
		Below Lower Quartile	50% of 1.1 MAF	Decreasing to .55 MAF
Lower Middle Rise	47-44 MAF	Median		.6 MAF
		Above Upper Quartile	150% of .6 MAF	Increasing to .9 MAF
		Below Lower Quartile	50% of .6 MAF	Decreasing to .3 MAF
Low Rise	44-40F	Median		.3 MAF
		Above Upper Quartile	150% of .3 MAF	Increasing to .45 MAF
		Below Lower Quartile	50% of .3MAF	Decreasing to .15 MAF
Lower Preclude	40 MAF			None

Sample Pro-Rated Spring Rise



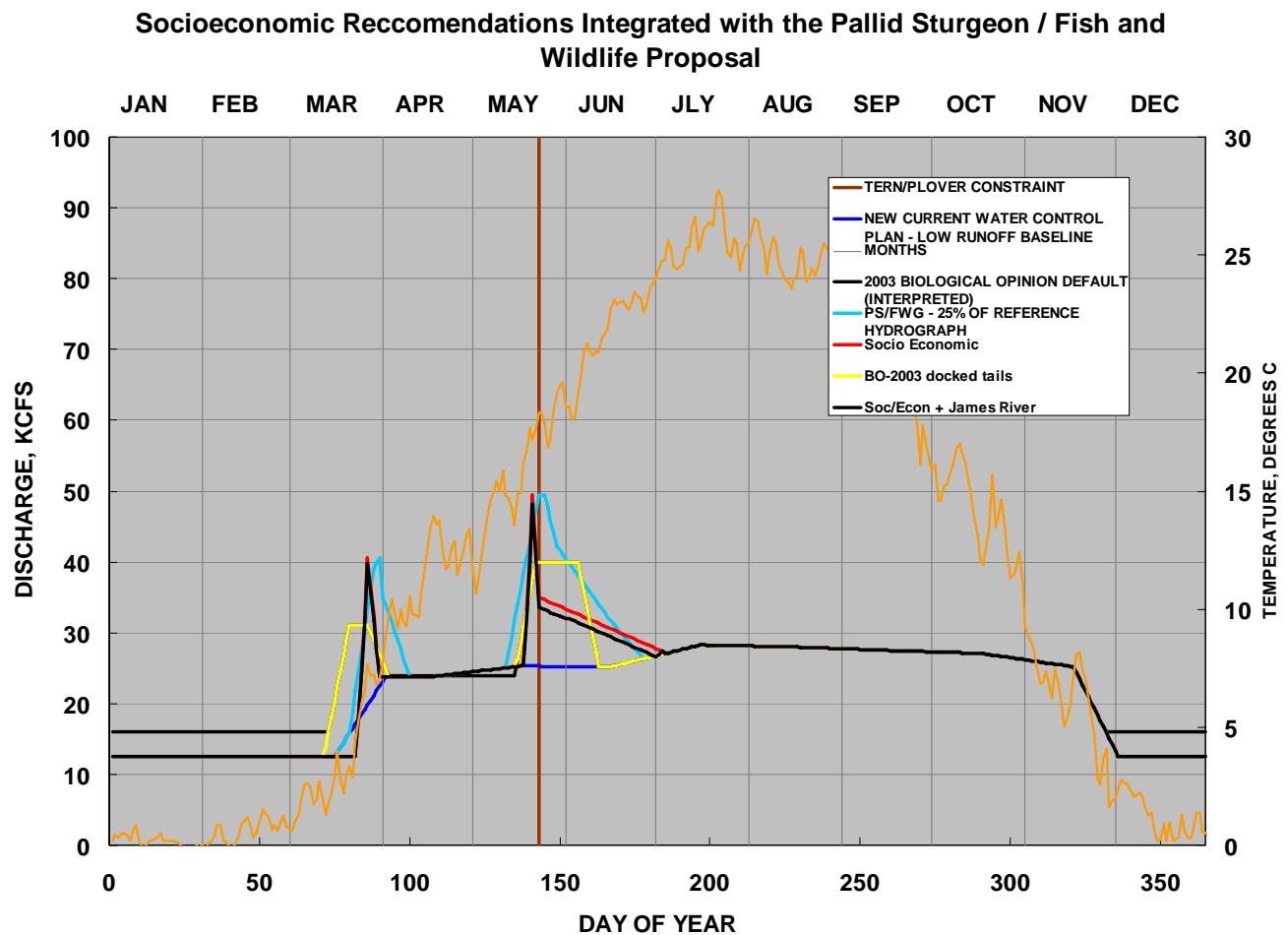
See the lower Missouri flood limits.

FS-X
 4 NINE ~55 K
 X = • 5 Rule
 • 5 St Joe ~55 K
 • 16 KC
 • 5 Waverly
 • 7 Booneville ~80 K
 • 7 Hermann ~105 K

Wet Constraints
 March 15 - June 30
 MAX RISE Potential
 $\bar{X} = 23.26$ KCFS
 Med = 22.82 KCFS
 UQ = 31.89 KCFS
 UD = 38.58 KCFS
 LQ = 16.23 KCFS
 LD = 8.89 KCFS
 No Rise 3 years out of 100

Technical evaluation of the newly proposed limits. Substantial time was spent on determining whether the two new concepts (see above) if linked would permit an adequate number of Spring Rises. When the output appeared very limited on Day III, the Plenary moved toward an option for a 4th and final Plenary and a COE/FWS Staff Working paper on the options.

Socioeconomic proposals. Discussion also included hydrographs from the socioeconomic group, a sample of which follows:



Plenary Meeting #4. The parties agreed to meet for a Forth Plenary on August 19, 2005 to see whether additional work on assessing the limits proposed by the upper basin and lower basin could be adjusted to make an acceptable Spring Rise hydrograph. To limit time spent on options that will not produce a Spring Rise acceptable to the FWS and COE, the two agencies agreed that they will jointly (a) review the upper and lower basin input and (b) draft a “staff work” summary of options can are workable. These options will be working documents and not formal proposals from the agencies.

The Plenary also agreed that the Institute and CDR can take the output from the FWS and COE staff work and draft and send to the Plenary a CDR/Institute proposal for resolution. This will be sent out on or before August 16, 2005.

Location and time: The meeting will be held at the Best Western Ramkota Hotel in Sioux Falls, SD on August 19, 2005 from 8am - 5pm.

Attachment A – Meeting Attendance

PLENARY MEMBERS LISTED IN CAPITAL LETTERS WERE IN ATTENDANCE

- ◆ **A.T. Stafne**, Assiniboine & Sioux Tribes of Fort Peck
 - *Alternate:* Deb Madison
- ◆ **Antoine Provost**, Omaha Tribe of Nebraska and Iowa
 - *Alternate:* Ansley Griffin
- ◆ **BILL LAY**, MISSOURI LEVEE & DRAINAGE DISTRICT ASSOCIATION
- ◆ **BOB BACON**, COALITION TO PROTECT THE MISSOURI RIVER
- ◆ **BOB RIEHL**, WESTERN AREA POWER ADMINISTRATION
 - *Alternate:* Nick Stas
- ◆ **Boone Witmer**, Upper Basin Bank Stabilization
 - *Alternate:* Buzz Mattelin
- ◆ **BRIAN BARELS**, NEBRASKA PUBLIC POWER DISTRICT
- ◆ **CHAD SMITH**, AMERICAN RIVERS
- ◆ **CHARLIE SCOTT**, U.S. FISH AND WILDLIFE SERVICE
 - *ALTERNATE:* MIKE OLSON
- ◆ **DAN FUHRMAN**, MO-ARK
- ◆ **DARRELL DORSEY**, KANSAS CITY BOARD OF PUBLIC UTILITIES
- ◆ **Dave Nelson**, Cheyenne River Sioux Tribe
 - *Alternate:* Bob Walters
 - Rebecca Kidder
- ◆ **David Murphy**, Conservation Federation of Missouri
- ◆ **Don Jorgenson**, Missouri River Technical Group
- ◆ **Donald “Bucky” Pilcher**, Sac & Fox Nation of Missouri in Kansas and Nebraska
- ◆ **Felix Kitto**, Santee Sioux Tribe
- ◆ **GENE ZUERLEIN**, NEBRASKA (GAME & PARKS)
- ◆ **GEORGE CUNNINGHAM**, SIERRA CLUB
- ◆ **Herb Grenz**, Upper Basin Irrigation
 - *Alternate:* Dave Johnson, Garrison Diversion Conservancy District
- ◆ **HOWARD PAUL**, MISSOURI RIVER SEDIMENTATION
- ◆ **JASON SKOLD**, THE NATURE CONSERVANCY
- ◆ **JIM BERKLEY**, ENVIRONMENTAL PROTECTION AGENCY
 - *Alternates:* Gale Hutton
 - JOE COTHERN

- ♦ **JIM DINSMORE**, IA AUDUBON
- ♦ **JIM PETERSON**, MISSOURI RIVER BANK STABILIZATION ASSOCIATION
- ♦ **Jim Stone, Jr.**, Yankton Sioux Tribe
 - *Alternate:* Cliff Johnson
- ♦ **Joseph Smith**, Standing Rock Sioux Tribe
- ♦ **LANNY MENG**, MISSOURI RIVER LEVEE & DRAINAGE DISTRICT ASSOCIATION
- ♦ **LARRY FOSTER**, OMAHA MUNICIPALITIES
 - *Alternate:* Skip Meisner
- ♦ **LeRoy Klapprodt**, North Dakota Sportfishing Congress
- ♦ **LYNN MUENCH**, THE AMERICAN WATERWAYS OPERATORS
 - *Alternate:* Kevin Nepper
- ♦ **MIKE MCGHEE**, IOWA
 - *Alternates:* Harold Hommes
 - John Hey
- ♦ **MIKE WELLS**, MISSOURI
 - *Alternate:* Denise Garnier
- ♦ **ROSE HARGRAVE**, UNITED STATES ARMY CORPS OF ENGINEERS
 - *ALTERNATE:* MARY ROTH
- ♦ **Scott Jones**, Lower Brule Sioux Tribe
- ♦ **Steve Adams**, Kansas
 - *ALTERNATE:* DAVE BARFIELD
- ♦ **SUE JENNINGS**, NATIONAL PARK SERVICE
 - *ALTERNATE:* WAYNE WERKMEISTER
- ♦ **Sue Lowry**, Wyoming
 - *Alternate:* Jodee Pring
- ♦ **Tex Hall**, Three Affiliated Tribes of Fort Berthold
 - Alternate: Steve Kelly
 - Paul Danks
- ♦ **TODD SANDO**, NORTH DAKOTA
- ♦ **Tom Graves**, Mid-West Electric Consumers Association
 - *Alternate:* Lee Nelson
- ♦ **Tom Schrempp**, Water One
- ♦ **TOM HUNTLEY**, CENTRAL MONTANA ELECTRIC POWER COOPERATIVE
- ♦ **Troy Bredenkamp**, American Farm Bureau Association
 - *Alternates:* Dan Cassidy

- Garrett Hawkins
- ◆ **Walt Moran**, Trenton Indian Service Area
 - *ALTERNATE*: ALFRED SLATER, TRENTON INDIAN SERVICE AREA
- ◆ **WAYNE NELSON-STASTNY**, SOUTH DAKOTA (DGF&P)
 - *Alternates*: Garland Erbele
 - MARK RATH
- ◆ **WILLIAM BEACOM**, PASSENGER VESSEL ASSOCIATION
- ◆ TBD, Montana
 - *ALTERNATE*: TIM BRYGGMAN

Observers

Robert Jacobson, USGS

Rich AuBuchon, MO AGO

John Pozzo, Ameren

Mick Sandine, US COE

Jim Shields, Metropolitan Utilities –
Omaha

Stan Schwellenbach, City of Pierre, SD

Jeff Shafer, Nebraska DNR

Mike Eng, USIECR

Mike Collins, Reclamation

John Drew, Missouri DNR

Karen Rouse, Missouri DNR

Joe B. Gibbs, PE, MLDDA & UMIRRA

Mary Henry, US F&WS

Robyn Thorson, US F&WS

Jeff Bedey, US COE, Omaha District

Gregg Martin, USACE NWD

Paul Johnson, USACE NWD

Maggie Oldham, US COE, Omaha
District

Roy McAllister, USACE NWD

John Seeronen, USACE-NWD-OC

Pemina YellowBird (for Tex Hall),
MHA Nation

Joe Ames, USACE Tribal Liaison

David Galat, USGS – Univ Missouri

Tyler Cole, NPS – MNRR

Paul Hedren, NPS – MNRR